

STATE OF NEW HAMPSHIRE
BOARD OF PHARMACY

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TO: Board of Pharmacy Members & Staff
All Interested Stakeholders

FROM: Paul G. Boisseau, R.Ph.
Executive Secretary

DATE: April 11, 2007

RE: Central Prescription Processing – Rulemaking – Initial Draft

Below is a copy of the working (initial) draft of proposed rules relative to central fill. A public hearing date has not yet been established by the Board. In the meantime, however, your written comments are encouraged and welcomed and can be sent via postal mail or email (paul.boisseau@nh.gov).

Updates to the rulemaking process and public notices will be posted on the Board's website at www.nh.gov/pharmacy (click on *Rulemaking*).

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RSA 318:1, XXIII Definitions

“Central prescription processing” means the processing by a pharmacy of a request from another pharmacy to fill or refill a prescription drug order or to perform processing functions, such as dispensing, drug utilization review, claims adjudication, refill authorizations, and therapeutic interventions.

RSA 318:5-a, XIII Rulemaking Authority

Standards for contracting, implementation, and operation of central prescription processing.

Centralized Prescription Processing

I. The following pharmacies may engage in central prescription processing and handling:

- (a) An *intake or originating pharmacy*, which is a licensed pharmacy that received the patient’s or prescribing practitioner’s request to fill or refill a prescription. A central processing pharmacy or a central fill pharmacy, as delineated in (b) and (c) below, may be considered the intake or originating pharmacy if the prescription was transmitted by the prescribing practitioner directly to the centralized pharmacy or if the patient requested the refill from that pharmacy;
- (b) A *central processing pharmacy*, which is a licensed pharmacy that engages in prescription review by performing functions that may include, but are not limited to, data entry, prospective drug review, refill authorizations, interventions, patient counseling, claims submission, claims resolution and adjudication;
- (c) A *central fill pharmacy*, which is a licensed pharmacy engaging in central prescription handling by filling and/or refilling prescriptions which includes the preparation and packaging of the medication; and
- (d) A *dispensing pharmacy*, which is a licensed pharmacy that receives the processed prescription and/or the filled or refilled prescription for dispensing to the patient or to the patient’s authorized representative.

II. A pharmacy may perform or outsource central prescription processing and handling services provided that:

- (a) All pharmacies involved in the transactions pursuant to which the prescription is dispensed have the same owner, or have a written contract outlining the services to be provided and the responsibilities and accountabilities of each party in fulfilling the terms of said contract in compliance with federal and state laws and regulations;

- (b) The pharmacies share a common electronic database to allow access to sufficient information necessary or required to fill or refill a prescription drug order;
- (c) All participating pharmacies located in this state shall maintain pharmacy licenses for each location or if located in another state shall be registered in New Hampshire as a mail-order pharmacy according to Chapter Ph 900 of the NH Code of Administrative Rules;
- (d) All pharmacists participating in and/or providing central prescription processing services shall be licensed in this state; and
- (e) Each pharmacy engaging in central prescription processing and handling shall be jointly responsible for properly filling the prescription.

III. Each pharmacy performing or contracting for the performance of centralized prescription processing and handling shall maintain a written policies and procedures manual, which shall include at least the following information:

- (a) Every intake pharmacy must keep a record, which includes the name, address and DEA number of all central fill and/or central processing pharmacies that are authorized to fill and/or process prescriptions on its behalf;
- (b) Every central fill and/or central processing pharmacy must keep a record, which includes the name, address and DEA number of all intake pharmacies for which it is authorized to fill and/or process prescriptions;
- (c) The responsibilities of each of the intake, filling, processing and dispensing pharmacies;
- (d) The procedure for maintaining appropriate records for regulatory oversight for tracking a prescription during each stage of the filling and dispensing process including the identity of the pharmacists involved in filling and dispensing the prescription and counseling the patient;
- (e) The policy and procedure for providing adequate security to protect the confidentiality and integrity of patient information;
- (f) The procedure for identifying on the prescription label all pharmacies involved in filling and dispensing the prescription;
- (g) The procedure to be used by the pharmacy in implementing and operating a quality assurance program designed to objectively and systematically monitor, evaluate, and improve the quality and appropriateness of patient care; and
- (h) The procedure to be followed in dispensing a prescription drug order when the filled order is not received or the patient comes in before the order is received.

Policies and procedures shall be reviewed annually and such review shall be documented .

The policies and procedures manual, at the intake, processing, filling and dispensing pharmacies, shall be made available to the board or its agents upon request.

IV. Patient Counseling

The dispensing pharmacy is responsible for making the offer to counsel to the patient according to Ph 706.03 of the NH Code of Administrative Rules.

V. Controlled Substances

- (a) Prescriptions for Schedule II controlled substances shall not be allowed for central prescription filling and shall be filled and dispensed at the intake pharmacy;
- (b) Prescriptions for Schedule III, IV, or V controlled substances shall be allowed for central prescription processing and filling as follows:
 - (1) Prescriptions for legend or controlled substances listed in Schedule III, IV, or V may be transmitted electronically, including via facsimile, from an intake pharmacy to a central fill pharmacy. The intake pharmacy transmitting the prescription information must:
 - a. Write, or electronically mark, the words “CENTRAL FILL” on the face of the original prescription and record the name, address, and DEA registration number of the central fill pharmacy to which the prescription has been transmitted and the name of the intake pharmacy pharmacist transmitting the prescription, and the date of transmittal;
 - b. Ensure that all information required to be on a prescription pursuant to federal and state law is transmitted to the central fill pharmacy (either on the face of the prescription or in the electronic transmission of information);
 - c. Indicate in the information transmitted the number of refills already dispensed, if applicable, and the number of refills remaining;
 - d. Maintain the original prescription for a period of four years from the date the prescription was last refilled;
 - e. Keep a record of receipt of the filled prescription, including the date of receipt, the method of delivery (private, common or contract carrier), the identity of the carrier and the name of the intake pharmacy employee accepting delivery.
 - (2) The central fill pharmacy receiving the transmitted prescription must:

- a. Keep a copy of the prescription (if sent via facsimile) or an electronic record of the prescription information, including the name, address, and DEA registration number of the intake pharmacy transmitting the prescription;
- b. Keep a record of the date of receipt of the transmitted prescription; the name of the licensed pharmacist filling the prescription, and dates of filling or refilling of the prescription;
- c. Track the prescription drug order during each step in the filling process and identify the name(s), initials, or identification code(s) and specific activity(ies) of each pharmacist or pharmacy technician who performed any portion of the process including transmission, filling, dispensing, or delivery.
- d. Keep a record of the date the filled prescription was delivered to the intake pharmacy, the method of delivery (i.e. private, common or contract carrier) and the identity of the carrier.

VI. Record Keeping

- (a) The common electronic database shall maintain a record of all pharmacists involved in the intake, processing, filling, and dispensing of all prescriptions.
- (b) There shall be record keeping systems between central prescription processing pharmacies with real-time, online access to those services provided by each pharmacy.
- (c) Access to prescription information by two (2) participating pharmacies shall not be considered a prescription transfer and not subject to the provisions of Ph 704.04 of the NH Code of Administrative Rules.